

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No.: 4:16-cv-00179
)	
XCENTRIC VENTURES, LLC, <i>et al.</i>,)	
)	
Defendants.)	
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**MEMORANDUM IN OPPOSITION OF EDWARD MAGEDSON AND XCENTRIC
VENTURE, LLC’S MOTION FOR A PROTECTIVE ORDER**

Plaintiffs, John M. Pitman (“Pitman”) and Peninsula Plastic Surgery Center, LTD.
 (“PPS”) (collectively the “Plaintiffs”), by counsel, submit the following Memorandum in
Opposition of Edward Magedson and Xcentric Venture, LLC’s Motion for a Protective Order.
In support thereof, Plaintiffs state as follows:

BACKGROUND

On August 17, 2017, Defendants Edward Magedson (“Magedson”) and Xcentric
Ventures, LLC (“Xcentric”) moved this Court for entry of a Protective Order to stay discovery
pending the resolution of the pending motion to dismiss. (Ecf. No. 102). Magedson and
Xcentric predicted that the Plaintiffs’ Amended Complaint would be dismissed and that such a
dismissal would alleviate the need for each of them to respond to the Plaintiffs’ discovery
requests.

On August 29, 2017, this Court granted in part and denied in part, the Defendants
Motions to Dismiss. In the main, the bulk of the Plaintiffs claims survived and the Defendants’
predictions to the contrary were erroneous.

ARGUMENT & AUTHORITIES

A. The Motion for a Protective Order Should be Denied as Moot

Given the Court's Opinion and Order concerning Magedson and Xcentric's Motion to Dismiss, their Motion for a Protective Order lacks merit and should be denied as moot. At the heart of this matter is the Defendants refusal to produce relevant documents that are subject to a protective order in Iowa. As more fully stated in the Plaintiffs' Reply Memorandum in Support of Plaintiffs' Motion to Compel (Ecf. No. 104), Magedson and Xcentric cannot escape their obligations to produce the requested documents. Without the requested documents, the Plaintiffs are unable to adequately prepare for trial.

CONCLUSION

For the foregoing reasons, this Court should deny the Defendants Motion for a Protective Order and enter an Order: (i) compelling both Xcentric Ventures, LLC and Edward Magedson to provide full and complete response to Plaintiffs' discovery requests; and (ii) for all other relief the Court deems necessary and proper.

Respectfully submitted,

JOHN M. PITMAN, III, and
PENINSULA PLASTIC SURGERY
CENTER, LTD

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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